

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiff / Counterclaim Defendant,

v

J.T. POSEY COMPANY,

Defendant / Counterclaim Plaintiff.

Civil Action No. 05-10917 PBS

**MOTION TO STRIKE POSEY’S OBJECTIONS TO
DECLARATION OF EDWARD L. GOODWIN**

Plaintiff, The HipSaver Company, Inc. (“HipSaver”) respectfully submits this motion to strike Defendant J.T. Posey, Inc.’s (“Posey”) Objections to Declaration of Edward L. Goodwin [D.N. 204] (“Objections”). Posey’s Objections attempt to make an end-run on the page limitation for summary judgment motions to launch an ad hominem attack on Mr. Goodwin and to warp Mr. Goodwin’s deposition testimony. Goodwin’s declaration, submitted in Opposition to Posey’s Motion to Dismiss HipSaver’s Complaint to refute Posey’s claim of no damages, sets forth evidence that is consistent with his deposition testimony and permissible under the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1 and 37.1

I hereby certify that on February 12, 2007, counsel for HipSaver and local counsel for Posey conferred by telephone in a good faith attempt to resolve or narrow the issues presented in this motion but were unable to reach agreement.

THE HIPSAVER COMPANY, INC.

By its Attorneys,

/s/ Courtney M. Quish

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Dated: February 12, 2007

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish

February 12, 2007

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